

Changes to legislation: Local Government Act 1972, SCHEDULE 12 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12

Section 99.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), **art. 6**
- C2** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 86(9)**
- C3** Sch. 12 modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 2(4)**
- C4** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), **s. 160(2)**
Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4(a)(ii)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**
- C5** Sch. 12 modified (E.) (7.9.2013) by [The Local Elections \(Ordinary Day of Elections in 2014\) Order 2013 \(S.I. 2013/2277\)](#), **arts. 1(1), 5**
- C6** Sch. 12 modified (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), **regs. 1, 6 (with reg. 2(4))**
- C7** Sch. 12 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), **regs. 1(3), 7**
- C8** Sch. 12 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), **regs. 1(3), 6**
- C9** Sch. 12 modified (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), **regs. 1, 6 (with reg. 2(4))** (as amended (1.8.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/808\)](#), **regs. 1, 2(3)**)

PART I

PRINCIPAL COUNCILS

Modifications etc. (not altering text)

- C10** Sch. 12 Pt. 1 applied (07.08.1991) by [S.I.1991/1773](#), **arts. 6, 8, Sch. 1**.
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), **arts. 6, 8, Sch.1**.
- C11** Sch. 12 Pt. 1 applied (10.01.1992) by [S.I. 1991/2913](#), **arts. 6, 8, Sch. 1**.
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), **arts. 6, 8, Sch. 1**.
- C12** Sch. 12 Pt. 1 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), **arts. 1(1), 7, Sch. 1**

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C13 Sch. 12 Pt. 1 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, [Sch. 1](#)

- 1 (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council ^{F1} . . . shall be held—
 - (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
 - [^{F2}(aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor or such other day within the twenty-one days immediately following the day of retirement as the council may fix;]
 - (b) in any other year, on such day in the month of March, April or May as the council may fix.
- ^{F3}(3)
- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F2** Sch. 12 para. 1(2)(aa) inserted (E.) (6.5.2002) by [The Local Authorities \(Executive Arrangements\) \(Modification of Enactments\) \(England\) Order 2002 \(S.I. 2002/1057\)](#), [art. 6](#)
- F3** Sch. 12 para. 1(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Modifications etc. (not altering text)

- C14** Sch. 12 para. 1 applied (with modifications) (1.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28, para. 10\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)
- C15** Sch. 12 para. 1(2)(b) modified (10.4.2001 with effect for the year 2001) by [2001 c. 7, s. 1\(6\)](#)

- 2 (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.

Modifications etc. (not altering text)

- C16** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 3 (1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed ^{F4} . . . by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then ^{F4} . . . any five members of the council, on that refusal or on the expiration

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of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

Textual Amendments

F4 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Modifications etc. (not altering text)

C17 Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328](#), [Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), [arts. 3\(a\)\(b\)](#), [4\(a\)\(g\)](#)

- 4 (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.

[^{F5}(1A) Five clear days at least before a meeting of a principal council in England—

- (a) notice of the time and place of the intended meeting shall be published at the council's offices and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.

(1B) In sub-paragraph (1A)—

- (a) “authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit; and
- (b) the reference to sending the summons to a member by an appropriate method is to—
 - (i) leaving it at, or sending it by post to, the member's usual place of residence, or
 - (ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post to, that different address, or
 - (iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.]

- (2) Three clear days at least before a meeting of a principal council [^{F6}in Wales [^{F7}or, if the meeting is convened at shorter notice, then at the time it is convened]] —

- (a) notice [^{F8}of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically], and where the meeting is called by members of the council the notice shall [^{F9}set out the names of] those members and shall specify the business proposed to be transacted thereat; and
- (b) a summons to attend the meeting, specifying the business to be transacted thereat, and [^{F10}authenticated] by the proper officer of the council, [^{F11}must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.]

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- [^{F12}(2A) The information required to be in a notice under sub-paragraph (2)(a) consists of—
- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
 - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
 - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
 - (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
- (2B) In sub-paragraph (2A), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).]
- [^{F13}(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.]
- (3) If a member of a principal council [^{F14}in Wales] gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at [^{F15}an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.]
 - (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.
 - (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council’s standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Textual Amendments

- F5** Sch. 12 para. 4(1A)(1B) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), **2(2)** [Editorial note: This amendment supersedes the previous substitution of words (E.) (30.3.2014) in Sch. 12 para. 4(2) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), ss. **40(6)(11)**, 49(2)]
- F6** Words in Sch. 12 para. 4(2) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), **2(3)**
- F7** Words in Sch. 12 para. 4(2) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 4 para. 3(a)**; S.I. 2021/354, reg. 2(c)
- F8** Words in Sch. 12 para. 4(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 4 para. 3(b)(i)**; S.I. 2021/354, reg. 2(c)
- F9** Words in Sch. 12 para. 4(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 4 para. 3(b)(ii)**; S.I. 2021/354, reg. 2(c)
- F10** Word in Sch. 12 para. 4(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 4 para. 19(2)(a)**; S.I. 2021/354, reg. 2(c) (with reg. 3)

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- F11** Words in Sch. 12 para. 4(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(2\)\(b\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F12** Sch. 12 para. 4(2A)(2B) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 3\(c\)](#); S.I. 2021/354, reg. 2(c)
- F13** Sch. 12 para. 4(2C) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(3\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F14** Words in Sch. 12 para. 4(3) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), [2\(3\)](#)
- F15** Words in Sch. 12 para. 4(3) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(4\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

- C18** Sch. 12 paras. 2-5 applied (with modifications) (1.5.2000 for specified purposes and 3.7.2000 otherwise) by [1999 c. 29](#), s. 328, [Sch. 28 para. 10\(2\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/1094, [arts. 3\(a\)\(b\)](#), 4(a)(g)
- C19** Sch. 12 para. 4(2) excluded by [Local Government Act 1985 \(c. 51\)](#), SIF 81:1, [s. 86\(9\)](#)
- C20** Sch. 12 para. 4(2) restricted by [S.I. 1985/1884](#), [art. 11\(3\)](#)

[^{F16}4A (1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.

(2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F16** Sch. 12 para. 4A inserted (1.10.2000 (E.) and 28.7.2001 (W.)) by [2000 c. 22](#), [ss. 98\(1\)\(2\)](#), 108(4); S.I. 2000/2187, [art. 3](#)

- 5 (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then—
- (a) ^{F17} . . . , the vice-chairman of the council, if present, shall preside;
- ^{F18}(b)
- (c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor ^{F19} . . . and is chosen for that purpose by the members of the council then present, shall preside.
- (3) If—
- (a) in the case of a principal council ^{F20} . . . , both the chairman and vice-chairman of the council are absent from a meeting of the council;
- ^{F21}(b)
- (c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;
- another member of the council chosen by the members of the council present shall preside.
- [^{F22}(4)** A member of an executive of a principal council [^{F23} . . . , or an assistant to the executive,] may not be chosen to preside under sub-paragraph (3) above.

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- ^{F22}(5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive ^{F24}”]

Textual Amendments

- F17** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F18** Sch. 12 para. 5(2)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F19** Words repealed by [S.I. 1977/1710, art. 3\(c\)](#)
- F20** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F21** Sch. 12 para. (3)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F22** Sch. 12 para. 5(4)(5) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 14(1)(2); S.I. 2000/2849, art. 2(e)**
- F23** Words in Sch. 12 para. 5(4) inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 6 para. 1(4); S.I. 2021/231, art. 6(t)** (as substituted by [S.I. 2021/1249, art. 3\(2\)](#))
- F24** Words in Sch. 12 para. 5(5) omitted (30.12.2007) by virtue of [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 74, 245, **Sch. 3 para. 12(2)** and said words repealed (prosp.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 241, 245, **Sch. 18 Pt. 3**

Modifications etc. (not altering text)

- C21** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 10(2)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 6 Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

Modifications etc. (not altering text)

- C22** Sch. 12 para. 6 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
- C23** Sch. 12 para. 6 modified by [S.I. 2020/156, art. 6\(7\)\(9\)](#) (as substituted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), **12**)
- C24** Sch. 12 para. 6 modified by [S.I. 2019/957, art. 3\(7\)](#) (as substituted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), **4**)

- ^{F25}6Z(1) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a principal council in England which is a fire and rescue authority.

- (2) Sub-paragraph (1) applies—

- (a) only if and to the extent that the business of the meeting relates to the functions of the principal council as a fire and rescue authority, and
- (b) only if the council have consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.

- (3) If a request under sub-paragraph (2)(b) is made to a principal council, the council must—

- (a) consider the request,
- (b) give reasons for their decision to agree to or refuse the request, and

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- (c) publish those reasons in such manner as they think appropriate.
- (4) If the principal council agree to the request, the relevant police and crime commissioner is to be treated as a member of the council for the purposes of the following provisions of this Schedule in the case of a meeting which relates to the functions of the council as a fire and rescue authority—
- paragraph 3(2);
 - paragraph 4(1A);
 - paragraph 5(3);
 - paragraph 6;
 - paragraph 39;
 - paragraph 40;
 - paragraph 41(3);
 - paragraph 43.
- (5) In this paragraph “relevant police and crime commissioner”, in relation to a principal council, means a police and crime commissioner—
- whose area is the same as, or contains all of, the area of the principal council, or
 - all or part of whose area falls within the area of the principal council.]

Textual Amendments

F25 Sch. 12 Pt. 1 para. 6ZA inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 7\(3\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2017/399, reg. 2, [Sch. para. 3](#)

Modifications etc. (not altering text)

C25 Sch. 12 Pt. 1 para. 6ZA excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 2 para. 2\(c\)](#)

[^{F26}PART IA

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

Textual Amendments

F26 Sch. 12 Pt. 1A inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 35\(2\)](#)

- [^{F27}6A (1) Paragraph 1 above applies to a joint authority [^{F28}, an economic prosperity board, [^{F29}, a combined authority or a combined county authority]]^{F30} as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.
- ^{F31}(2)]

Textual Amendments

F27 Sch. 12 para. 6A substituted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), [s. 10\(3\)](#)

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- F28** Words in Sch. 12 para. 6A(1) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 39**; S.I. 2009/3318, **art. 2(c)**
- F29** Words in Sch. 12 para. 6A substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 52** (with s. 247)
- F30** Words in Sch. 12 para. 6A(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 116(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
- F31** Sch. 12 para. 6A(2) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C26** Sch. 12 para. 6A amended by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 1(p)**
- C27** Sch. 12 para. 6A modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(o)**
 Sch. 12 para. 6A excluded (10.5.2000) by [S.I. 2000/1095](#), **art. 5(2)**
- C28** Sch. 12 para. 6A(1) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630](#), **art. 2**
 Sch. 12 para. 6A(1) modified (13.3.2004) by [S.I. 2004/222](#), **art. 4(2)**

6B The other provisions of Part I of this Schedule [^{F32}other than paragraph 6ZA] shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that

- I the number of members mentioned in paragraph 3(2) shall be three, ^{F34}...
- ^{F33}(a)]
- ^{F34}(b)]
- (c) ^{F35}]

Textual Amendments

- F32** Words in Sch. 12 Pt. 1A para. 6B inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 7(4), 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 3**
- F33** Word in Sch. 12 para. 6B inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by [1994 c. 29](#), s. 43, **Sch. 4 Pt. I para. 15(3)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**
- F34** Sch. 12 para. 6B(b) and word omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 116(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
- F35** Sch. 12 para. 6B(c) and preceding word repealed (1.4.2002) by [2001 c. 16](#), ss. 128, 137, 138(2), **Sch. 6 para. 32(b)(ii)**, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art.4)

Modifications etc. (not altering text)

- C29** Sch. 12 para. 6B modified by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 3(c)** and by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(o)**

PART II

PARISH COUNCILS

- 7** (1) A parish council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

Changes to legislation: Local Government Act 1972, SCHEDULE 12 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

Modifications etc. (not altering text)

C30 Sch. 12 para. 7(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630](#), [art. 3](#)

- 8 (1) A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.
- 9 (1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 10 (1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in [^{F36}premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] unless no other suitable room is available either free of charge or at a reasonable cost.
- (2) Three clear days at least before a meeting of a parish council—
- (a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
- [^{F37}(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and certified by the proper officer of the council, shall be sent to every member of the council by an appropriate method.]
- [^{F38}(2A) In sub-paragraph (2)—
- (a) “authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit; and
- (b) the reference to sending the summons to a member by an appropriate method is to—
- (i) leaving it at, or sending it by post to, the member’s usual place of residence, or
- (ii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.]

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- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

Textual Amendments

- F36** Words in Sch. 12 para. 10(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(2\)\(a\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)
- F37** Sch. 12 para. 10(2)(b) substituted (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), [2\(4\)\(a\)](#)
- F38** Sch. 12 para. 10(2A) inserted (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), [2\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C31** Sch. 12 para. 10 applied (4.3.1996) by [S.I. 1996/263](#), [reg. 8\(5\)](#)
- C32** Sch. 12 para. 10 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), [regs. 8\(5\), 9\(3\)](#)

- 11 (1) At a meeting of a parish council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.
- 12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 13 (1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a parish council shall be by a show of hands.
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

Modifications etc. (not altering text)

- C33** Sch. 12 para. 13(1) applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), [regs. 8\(5\), 9\(7\)](#)

PART III

PARISH MEETINGS

- 14 (1) The parish meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.

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- (2) Subject to sub-paragraph (1) above and to sub-paragraph (3) below, parish meetings shall be held on such days and at such times as may be fixed by the parish council or, if there is no parish council, by the chairman of the parish meeting.
- (3) In a parish which does not have a separate parish council the parish meeting shall, subject to any provision made by a grouping order, assemble at least twice in every year.
- (4) The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening.
- (5) A parish meeting shall not be held in [^{F39}premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

Textual Amendments

F39 Words in Sch. 12 para. 14(5) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(3\)\(a\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

Modifications etc. (not altering text)

C34 Sch. 12 para. 14(1) modified (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), [art. 4\(3\)](#)

- 15
- (1) A parish meeting may be convened by—
 - (a) the chairman of the parish council, or
 - (b) any two parish councillors for the parish, or
 - (c) where there is no parish council, the chairman of the parish meeting or any person representing the parish on the district council, or
 - (d) any six local government electors for the parish.
 - (2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a parish meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.
 - (3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a parish meeting relates to—
 - (a) the establishment or dissolution of a parish council, or
 - (b) the grouping of the parish with another parish or parishes under a common parish council.
 - (4) Public notice of a parish meeting shall be given—
 - (a) by posting a notice of the meeting in some conspicuous place or places in the parish, and
 - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
- 16
- The chairman of a parish council shall be entitled to attend a parish meeting for the parish (or, where a grouping order is in force, for any of the parishes comprised in

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- the group) whether or not he is a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.
- 17 (1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.
- (2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.
- (3) If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.
- 18 (1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- (4) [^{F40}A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.]
- (5) [^{F40}A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under [^{F41}section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act] shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.]
- (6) [^{F40}Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.]
- [^{F42}(7) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting, subject to regulations made under sub-paragraph (8).
- (8) The Secretary of State may by regulations make provision about polls consequent on parish meetings, in particular about—
- (a) the questions arising at a meeting on which a poll may be demanded,
 - (b) the circumstances in which a poll may or must be taken (including provision as to the number of local government electors who must demand a poll for a poll to be taken), and
 - (c) the conduct of a poll.

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- (9) Regulations under sub-paragraph (8)(c) may apply any electoral enactment (with or without modifications) to polls consequent on parish meetings.
- (10) In sub-paragraph (9) “electoral enactment” means an enactment which relates to elections or referendums.
- (11) A statutory instrument containing regulations under sub-paragraph (8) is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F40** Sch. 12 para. 18(4)-(6) omitted (4.4.2014 for specified purposes) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), **ss. 42(2)**, 49(1); S.I. 2014/900, art. 2(g)
- F41** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 14**
- F42** Sch. 12 para. 18(7)-(11) inserted (4.4.2014 for specified purposes) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), **ss. 42(3)**, 49(1); S.I. 2014/900, art. 2(g)

- 19 (1) Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.
- 20 (1) Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.
- (2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.
- 21 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determined.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 22 If any person, in a poll consequent on a parish meeting—
 - (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or

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- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—
- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
 - (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

PART IV

COMMUNITY COUNCILS

- 23 (1) A community council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of community councillors, the annual meeting of a community council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the community council may determine.
- (3) The annual meeting of a community council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

Modifications etc. (not altering text)

C35 Sch. 12 para. 23(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630, art. 4](#)

- 24 (1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.
- (2) Any of those other meetings shall be held at such hour and on such day as the council may determine.
- 25 (1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 26 ^[F43](1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council's area, as the council may direct.]
- (2) Three clear days at least before a meeting of a community council ^[F44]or, if the meeting is convened at shorter notice, then at the time it is convened] —

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- (a) notice [^{F45}of the meeting containing the information required by sub-paragraph (2ZA)] shall be [^{F46}published electronically and] fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall [^{F47}set out the names of] those members and shall specify the business proposed to be transacted at the meeting; and
 - [^{F48}(aa) any documents relating to the business to be transacted at the meeting must be published electronically (in so far as reasonably practicable).]
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and [^{F49}authenticated] by the proper officer of the council, [^{F50}must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.]
- [^{F51}(2ZA) The information required to be in a notice under sub-paragraph (2)(a) consists of—
- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
 - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
 - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
 - (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
- (2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).]
- [^{F52}(2A) The duty of a community council under sub-paragraph (2)(aa) to publish documents relating to the meeting does not apply where—
- (a) the documents relate to business which in the opinion of the council is likely to be transacted in private, or
 - (b) the disclosure of such documents would be contrary to any enactment.]
- [^{F53}(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
- (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.]
- [^{F54}(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.

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- (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “twenty four hours ”.]
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.

Textual Amendments

- F43** Sch. 12 para. 26(1) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 20\(1\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F44** Words in Sch. 12 para. 26(2) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(a\)](#); S.I. 2021/354, reg. 2(c)
- F45** Words in Sch. 12 para. 26(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(b\)\(i\)](#); S.I. 2021/354, reg. 2(c)
- F46** Words in Sch. 12 para. 26(2)(a) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(a\)\(i\)](#), 75(3); S.I. 2015/1182, art. 2(c)
- F47** Words in Sch. 12 para. 26(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(b\)\(ii\)](#); S.I. 2021/354, reg. 2(c)
- F48** Sch. 12 para. 26(2)(aa) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(a\)\(ii\)](#), 75(3); S.I. 2015/1182, art. 2(c)
- F49** Word in Sch. 12 para. 26(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(5\)\(a\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F50** Words in Sch. 12 para. 26(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(5\)\(b\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F51** Sch. 12 para. 26(2ZA)(2ZB) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(c\)](#); S.I. 2021/354, reg. 2(c)
- F52** Sch. 12 para. 26(2A) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(b\)](#), 75(3); S.I. 2015/1182, art. 2(c)
- F53** Sch. 12 para. 26(2B)(2C) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(6\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F54** Sch. 12 para. 26(2D)(2E) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 21](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

- C36** Sch. 12 para. 26(2) modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), regs. 1(3), [17\(2\)](#)

^{F55}~~26ZA~~ As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes.

(2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—

- (a) in relation to a decision relating to business which was transacted in private, or

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(b) where disclosure of the information would be contrary to any enactment.]

Textual Amendments

F55 Sch. 12 para. 26ZA inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 12](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

^{F56}26A

Textual Amendments

F56 Sch. 12 para. 26A omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 5](#); S.I. 2021/231, [art. 6\(v\)](#)

27 (1) At a meeting of a community council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

[^{F57}27A(1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.

(2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.

(3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers about the function in that sub-paragraph.]

Textual Amendments

F57 Sch. 12 para. 27A inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 48](#), 175(7); S.I. 2021/231, [art. 6\(g\)](#)

28 Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

29 [^{F58}(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on the question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.]

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

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Textual Amendments

F58 Sch. 12 para. 29(1) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 4 para. 23(1)**; S.I. 2021/354, reg. 2(c)

Modifications etc. (not altering text)

C37 Sch. 12 para. 29 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), regs. 1(3), **16**

^{F59}29A

Textual Amendments

F59 Sch. 12 para. 29A omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 13 para. 5**; S.I. 2021/231, art. 6(v)

PART V

COMMUNITY MEETINGS

- 30
- (1) [^{F60}Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.]

[^{F61}(2) Except in a case falling within sub-paragraph (3) below, public notice of [^{F62}a community meeting convened under sub-paragraph (1) above] shall be given not less than 7 clear days before the meeting.

(3) Where any business proposed to be transacted at [^{F63}a community meeting convened under sub-paragraph (1) above] relates to [^{F64}the existence of the community council or the grouping of the community with other communities], public notice of the meeting shall be given not less than 30 clear days before the meeting.

(3A) The notice required by sub-paragraph (2) or (3) above shall—

(a) specify the time and place of the intended meeting;

(b) specify the business to be transacted at the meeting; and

(c) be signed by the person or persons convening the meeting.]

(4) Public notice of [^{F63}a community meeting convened under sub-paragraph (1) above] shall be given—

(a) by posting a notice of the meeting in some conspicuous place or places in the community, and

(b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

[^{F65}(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.]

Changes to legislation: Local Government Act 1972, SCHEDULE 12 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F60** Sch. 12 para. 30(1) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(a)**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)
- F61** Sch. 12 para. 30(2)(3)(3A) substituted (1.4.1996) for Sch. 12 para. 30(2)(3) by [1994 c. 19](#), **s. 12(2)**; [S.I. 1995/3198](#), art. 3, **Sch. 1**
- F62** Words in Sch. 12 para. 30(2) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(b)**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)
- F63** Words in Sch. 12 para. 30(3)(4) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(c)**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)
- F64** Words in Sch. 12 para. 30(3) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(d)**, 178(3) (with [s. 115](#)); [S.I. 2012/1187](#), art. 2(1)(k)
- F65** Sch. 12 para. 30(5) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(e)**, 178(3) (with [s. 115](#)); [S.I. 2012/1187](#), art. 2(1)(k)

- [^{F66}30A A community meeting may also be convened at any time by not less than—
- (a) 10% of the local government electors for the community, or
 - (b) 50 of the electors (if 10% of the electors exceeds 50 electors).]

Textual Amendments

- F66** Sch. 12 para. 30A inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(2)**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)

- [^{F67}30B(1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

- (2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

- [^{F68}(3) The notice must be given—

- (a) in writing (but not in an electronic form), or
- (b) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C.]

- (4) In sub-paragraph (2) above—

- (a) “address” means the individual's qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;

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- (b) “signature” means—
- (i) where a notice is in writing, an individual's signature or, if the individual cannot give a signature, a signature given on the individual's behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;
 - (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual's name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
 - (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council [^{F69}or community council] when the notice is given in accordance with whatever requirements the [^{F70}principal council] has set as to the giving of such notices under paragraph 30C(2) below.]

Textual Amendments

- F67** Sch. 12 para. 30B inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 89**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)
- F68** Sch. 12 para. 30B(3) substituted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 57(c)(i)**, 75(3); [S.I. 2015/1182](#), art. 2(c)
- F69** Words in Sch. 12 para. 30B(7) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 57(c)(ii)**, 75(3); [S.I. 2015/1182](#), art. 2(c)
- F70** Words in Sch. 12 para. 30B(7) substituted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 57(c)(iii)**, 75(3); [S.I. 2015/1182](#), art. 2(c)

- [^{F71}~~100~~^{F72} (1) For the purposes of paragraph 30B(1), each community council and principal council must provide a facility for notices to be given in electronic form (“electronic notices”).]
- (2) [^{F73}A principal council must set for its area] and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice, and
 - (b) the other technical requirements to be met by and in relation to an electronic notice.]

Textual Amendments

- F71** Sch. 12 para. 30C inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 90**, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)

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- F72** Sch. 12 para. 30C(1) substituted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(d\)\(i\)](#), 75(3); [S.I. 2015/1182](#), art. 2(c)
- F73** Words in Sch. 12 para. 30C(2) substituted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(d\)\(ii\)](#), 75(3); [S.I. 2015/1182](#), art. 2(c)

[^{F74}30D(1)] Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—

- (a) whether the group of individuals to whom the notice relates is comprised of—
 - (i) at least 50 local government electors for the community in question, or
 - (ii) at least 10% of the local government electors for the community in question, and
- (b) whether the notice meets the requirements of paragraph 30B above.

(2) If the council is of the opinion that—

- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
- (b) the notice meets the requirements of paragraph 30B above,

the council must give a public notice in accordance with paragraph 30E below.

(3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.

(4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.

(5) In sub-paragraph (4) above, “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.]

Textual Amendments

- F74** Sch. 12 para. 30D inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 91](#), 178(3); [S.I. 2012/1187](#), art. 2(1)(k)

[^{F75}30E(1)] The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.

(2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.

(3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.

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- (4) The public notice must—
 - (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.
- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
 - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - ^{F76}(aa) [by publishing the notice electronically, and]
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.]

Textual Amendments

- F75** Sch. 12 para. 30E inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 92, 178(3)**; [S.I. 2012/1187](#), art. 2(1)(k)
- F76** Sch. 12 para. 30E(7)(aa) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 57(e), 75(3)**; [S.I. 2015/1182](#), art. 2(c)

- 31 The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.
- 32 (1) The proceedings at a community meeting shall not commence earlier than 6 o'clock in the evening.
- (2) A community meeting shall not be held in [^{F77}premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

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Textual Amendments

F77 Words in Sch. 12 para. 32(2) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(3\)\(b\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

- 33 (1) In a community for which there is a community council, the chairman of the council, if present, shall preside at a community meeting.
- (2) In any other case, a community meeting shall appoint a person to be chairman at that meeting.
- 34 (1) Subject to the provisions of this Act, each local government elector may, at a community meeting or at a [^{F78}community governance poll], give one vote and no more on any question.
- (2) A question to be decided by a community meeting shall^{F79}... be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final^{F80}....
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- ^{F81}(4)
- [^{F82}(5) The Welsh Ministers may by regulations make provision about the conduct of community governance polls.
- (6) Regulations under sub-paragraph (5) may apply any enactment relating to elections or referendums (with or without modifications) to community governance polls.
- (7) A statutory instrument containing regulations under sub-paragraph (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.]
- [^{F83}(8) In this Part of this Schedule, “community governance poll” means a poll held on a proposal of a kind mentioned in section 27A, 27C, 27E, 27G, 27I or 27K.]

Textual Amendments

- F78** Words in [Sch. 12 para. 34\(1\)](#) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(2\)](#); S.I. 2021/231, [art. 6\(v\)](#)
- F79** Words in [Sch. 12 para. 34\(2\)](#) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(3\)\(a\)](#); S.I. 2021/231, [art. 6\(v\)](#)
- F80** Words in [Sch. 12 para. 34\(2\)](#) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(3\)\(b\)](#); S.I. 2021/231, [art. 6\(v\)](#)
- F81** [Sch. 12 para. 34\(4\)](#) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(4\)](#); S.I. 2021/231, [art. 6\(v\)](#)
- F82** [Sch. 12 para. 34\(5\)-\(7\)](#) substituted for [Sch. 12 para. 34\(5\)-\(6\)](#) (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(5\)](#); S.I. 2021/231, [art. 6\(v\)](#)
- F83** [Sch. 12 para. 34\(8\)](#) inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 13 para. 6\(6\)](#); S.I. 2021/231, [art. 6\(v\)](#)

- 35 (1) Minutes of the proceedings of a community meeting shall be drawn up and entered in a book provided for the purpose by the proper officer of the community council where there is one or, where there is not, the proper officer of the council of the

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[^{F84}principal area] in which the community is situated and shall be signed at the conclusion of the community meeting by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

- (2) Until the contrary is proved, a community meeting in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.

Textual Amendments

F84 Words in Sch. 12 para. 35(1) substituted (1.4.1996) by [1994 c. 19, s. 66\(5\)](#), [Sch. 15 para. 62](#); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

36 Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.

[^{F85}36A(1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to community meetings and concerning the holding of such meetings and their conduct.

- (2) Regulations under sub-paragraph (1) may, in particular, include provision about—
- (a) arrangements relating to the holding of community meetings attended by persons who are not in the same place;
 - (b) the convening of community meetings;
 - (c) the production, publication, dissemination and content of notices of community meetings;
 - (d) the recording of decisions made at community meetings;
 - (e) the functions of principal councils and community councils in relation to community meetings;
 - (f) eligibility to attend and to vote at community meetings.
- (3) Regulations under sub-paragraph (1) may include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act)).
- (4) A statutory instrument containing regulations under sub-paragraph (1) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.

Textual Amendments

F85 Sch. 12 paras. 36A, 36BA inserted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 51, 175\(1\)\(b\)](#)

36BA principal council and a community council exercising functions in relation to community meetings must have regard to any guidance about the exercise of those functions issued by the Welsh Ministers.]

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Textual Amendments

F85 Sch. 12 paras. 36A, 36BA inserted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), [ss. 51, 175\(1\)\(b\)](#)

- 37 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a [^{F86}poll consequent on a community meeting][^{F86}community governance poll] on such terms and conditions as the Treasury may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

Textual Amendments

F86 Words in [Sch. 12 para. 37\(1\)](#) substituted (W.) (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 13 para. 7](#); S.I. 2021/231, art. 6(v)

- 38 If any person, in a [^{F87}poll consequent on a community meeting][^{F87}community governance poll]—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or
 - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—
- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
 - (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

Textual Amendments

F87 Words in [Sch. 12 para. 38](#) substituted (W.) (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 13 para. 8](#); S.I. 2021/231, art. 6(v)

^{F88}38A

Textual Amendments

F88 [Sch. 12 para. 38A](#) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 13 para. 9](#); S.I. 2021/231, art. 6(v)

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F89 38B

Textual Amendments

F89 Sch. 12 para. 38B omitted (5.5.2022) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 13 para. 9**; S.I. 2021/231, art. 6(v)

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

Modifications etc. (not altering text)

- C38** Sch. 12 Pt. 6 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
 Sch. 12 Pt. 6: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
- C39** Sch. 12 Pt. 6 applied (07.08.1991) by S.I. 1991/1773, art. 6, 8, **Sch. 1**.
 Sch. 12 Pt. 6: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
- C40** Sch. 12 Pt. 6 (paras. 39–45) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 1(7), 23(2), 27(2), **Sch. 1 para. 4(8)**.
 Sch. 12 Pt. 6 (paras. 39–45) extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(a)**.
 Sch. 12 Pt. 6 (paras. 39–45) applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**.
 Sch. 12 Pt. 6 (paras. 39–45) applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**.
 Sch. 12 Pt. 6 (paras. 39–45) applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**.
 Sch. 12 Pt. 6 applied (1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 10(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, arts. 3(a)(b), 4(a)(g).
- C41** Sch. 12 Pt. 6 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), arts. 1(2), 2, **Sch. para. 15**.
- C42** Sch. 12 Pt. 6 applied (with modifications) (E.) (24.3.2011) by virtue of The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**.
- C43** Sch. 12 Pt. 6 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**.
- C44** Sch. 12 Pt. 6 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**.
- C45** Sch. 12 Pt. 6 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**.

- 39 (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Changes to legislation: Local Government Act 1972, SCHEDULE 12 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C46** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C47** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**
- C48** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)
- C49** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
- C50** Sch. 12 para. 39(1) excluded (3.7.2000) by 1999 c. 29, s. **244(8)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

- 40 The names of the members present at a meeting of a local authority shall be recorded.

Modifications etc. (not altering text)

- C49** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
- C51** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C52** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**
- C53** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)
- C54** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**
- C55** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

- 41 (1) Minutes of the proceedings of a meeting of a local authority shall, subject to subparagraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ^{F90}[suitable] meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ^{F90}[suitable] meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

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[^{F91}(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.]

Textual Amendments

- F90** Words in Sch. 12 para. 41(1)(2) substituted (8.5.1992) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(1), [Sch. 11 para. 30](#); S.I. 1992/760, [art.2](#).
- F91** Sch. 12 para. 41(4) inserted (8.5.1992) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(1), [Sch. 11 para. 30](#); S.I. 1992/760, [art.2](#).

Modifications etc. (not altering text)

- C49** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009](#) (c. 23), [ss. 151\(7\)\(a\)](#), 324(1)(c)(d) (with [ss. 172\(3\)](#), 185); S.I. 2010/2195, [art. 3\(2\)\(b\)](#)
- C54** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 2](#)
- C55** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 3](#)
- C56** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, [ss. 1\(3\)](#), 44, [Sch. Pt. II](#)
 Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, [reg. 8\(9\)](#)
- C57** Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), [regs. 8\(5\)](#), [9\(7\)](#)
- C58** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), [ss. 151\(7\)\(a\)](#), 324(1)(c)(3) (with [ss. 172\(3\)](#), 185)
- C59** Sch. 12 para. 41 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) (S.I. 2020/442), [regs. 1\(3\)](#), [22\(1\)](#)

42 Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

Modifications etc. (not altering text)

- C49** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009](#) (c. 23), [ss. 151\(7\)\(a\)](#), 324(1)(c)(d) (with [ss. 172\(3\)](#), 185); S.I. 2010/2195, [art. 3\(2\)\(b\)](#)
- C54** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 2](#)
- C55** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 3](#)
- C60** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, [ss. 1\(3\)](#), 44, [Sch. Pt. II](#)
 Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, [reg. 8\(9\)](#)
 Sch. 12 para. 42 applied (10.5.2000) by S.I. 2000/1095, [art. 6\(5\)\(d\)](#)

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Sch. 12 para. 42: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1**

C61 Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), regs. 8(5), **9(7)**

C62 Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

43 The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

Modifications etc. (not altering text)

C49 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(d)** (with ss. 172(3), 185); [S.I. 2010/2195](#), art. 3(2)(b)

C54 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C55 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C63 Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by [S.I. 1996/263](#), **reg. 8(9)**

C64 Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), regs. 8(5), **9(7)**

C65 Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

C66 Sch. 12 para. 43 excluded by 1990 c. 8, s. 319ZB(3) (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015](#) (anaw 4), **ss. 39(1), 58(2)(b)(4)** (b); [S.I. 2017/546](#), art. 3(a))

44 (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.

(2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

Modifications etc. (not altering text)

C54 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C55 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012](#) (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C67 Sch. 12 para. 44 excluded by [Education \(No. 2\) Act 1986](#) (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**

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- Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
 Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), **Sch. 16 para. 15(2)**
 Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch.33 Pt. II para. 15(2)**
C68 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
C69 Sch. 12 para. 44(2) modified (W.) (22.4.2020) by The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), 22(2)

45 Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

[^{F92}46 In this Part of this Schedule “local authority” includes a joint authority^{F93}^{F94} ... and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.]

Textual Amendments

- F92** Sch. 12 para. 46 inserted by Local Government Act 1985 (c. 51, SIF 81:1, 2), s. 84, **Sch. 14 Pt. I para. 35(3)**
F93 Words in Sch. 12 para. 46 omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(4)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
F94 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C70** Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**
C71 Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)